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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

Report of the Secretary-General

Summary

The present report is a compilation of the responses to the note verbale from the Office of the United Nations High Commissioner for Human Rights dated 16 March 2015, which was sent to Member States and intergovernmental and non-governmental organizations, in compliance with resolution 68/176, inviting them to present practical proposals and ideas that would contribute to the strengthening of United Nations action in the field of human rights through the promotion of international cooperation based on the principles of non-selectivity, impartiality and objectivity. Responses have been received from the Governments of Bahrain, Cuba, the Democratic People's Republic of Korea and Qatar, and from the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, and the Public Defender of Georgia. They are reproduced in the report as received.

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I. Introduction

1. In its resolution 68/176, the General Assembly requested the Secretary-General to invite Member States and intergovernmental and non-governmental organizations to present further practical proposals and ideas that would contribute to the strengthening of United Nations action in the field of human rights through the promotion of international cooperation based on the principles of non-selectivity, impartiality and objectivity.

2. In compliance with paragraph 11 of the resolution, the Office of the United Nations High Commissioner on Human Rights, in a note verbale dated 16 March 2015, invited Member States and intergovernmental and non-governmental organizations to present practical proposals and ideas.

3. As at 29 July 2015, replies had been received from the Governments of Bahrain, Cuba, the Democratic People's Republic of Korea and Qatar, and from the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, and the Public Defender of Georgia, which are reproduced below as received. Additional replies received, if any, will be issued as addenda to the present report.

II. Replies received from Governments

Bahrain

[Original: Arabic]

Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

To promote international cooperation in the field of human rights, and pursuant to General Assembly resolution 68/176, entitled "Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity", the Kingdom of Bahrain has taken a number of measures to strengthen its international human rights cooperation. These have included inviting British and United States experts on international law, including former United States State Department and British Foreign and Commonwealth Office lawyers, to provide legal advice on the establishment of accountability mechanisms, such as the investigations unit at the Office of the Public Prosecutor, the Secretariat for Grievances and the Commission on Prisoners and Detainees. The competent authorities in Bahrain have continued to learn from the experience of the United Nations Development Programme in formulating training programmes and workshops on human rights. Bahrain plans to sign a memorandum of understanding with the Office of the High Commissioner for Human Rights in order to enhance its ability to protect human rights. Bahrain also works with United Nations experts, who have submitted materials that have been used by the Ministry of the Interior as the basis for human rights training programmes for the security forces. That initiative is part of an ongoing effort to use input from international experts in order to provide Ministry staff with specialized training on criminal justice and criminal investigations. Training received by Ministry staff at the Royal Police Academy has been endorsed by the United Kingdom's Edexcel

examination board. The Ministry of the Interior has also enhanced its cooperation with international organizations by signing a memorandum of understanding with the International Committee of the Red Cross on monitoring prisons and reform institutions.

A number of Government institutions have continued to work with international organizations and experts. The Ministry of Justice and Islamic Affairs has started work with the International Institute of Higher Studies in Criminal Sciences, Italy, the Bingham Centre for the Rule of Law in the United Kingdom, the Slynn Foundation and the United Kingdom Inspectorate of Prisons to strengthen the rule of law in Bahraini institutions. The Ministry of Justice and Islamic Affairs also hosted a resident expert on case management from the United Kingdom's National School of Government. To push forward media reforms, the Ministry has drawn on global experience, including that of European and Arab consultants. As a result, the Supreme Authority for Audiovisual Media was established in June 2013, and the Ministry of Education has signed a memorandum of understanding with the International Bureau of Education of the United Nations Educational Scientific and Cultural Organization, pursuant to which the Bureau is providing technical assistance to help the Ministry formulate new curriculums and train teachers and staff involved in curriculum development.

Bahrain underscores its commitment to cooperating with national and international non-governmental organizations. The Government of Bahrain consults national non-governmental organizations to elicit and incorporate their views in reports that Bahrain is required to submit to United Nations treaty body committees and the universal periodic review mechanism. At the international level, a delegation from Amnesty International visited Bahrain in May 2014 and met with a number of human rights bodies in the country. Discussions have also taken place with a number of other non-governmental organizations with a view to promoting constructive cooperation.

Bahrain constantly aspires to strengthen its cooperation with friendly countries, United Nations mechanisms, international non-governmental organizations and other States. Bahrain stresses that such constructive cooperation, which is based on the principle of mutual respect and cooperation, without prejudice to State sovereignty and security, is consistent with His Majesty the King's agenda for reform and with the Government's action to reform its legislation and institutions in line with international standards.

Cuba

[Original: Spanish]

Cuba wishes to make the following observations:

- International cooperation in the field of human rights should be conducted in accordance with the principles of universality, objectivity, impartiality and non-selectivity as a true path to the promotion and protection of human rights worldwide.
- The adoption of resolutions selectively targeting countries and using content which those countries have had no hand in and do not acknowledge contradicts this principle and fails either to contribute effectively to protecting human

rights, or to guarantee the development of international cooperation on an equal basis for all States.

- The Universal Periodic Review mechanism is the most effective tool to promote international cooperation on an equal basis for all States.
- Cuba upholds the legal framework established in the Vienna Declaration regarding international cooperation in the field of human rights.
- For international human rights cooperation to be effective, there must be no more double standards, hegemonic positions or manipulation of the issue of human rights. Any constraints on development cooperation must also be eliminated.
- International cooperation should not be imposed, and should not adopt a focus that disregards each country's particular features and actual situation. No punitive action should be advocated.
- Cooperation should be based on realistic commitments to provide support where it is most important and effective in achieving the desired goals. International cooperation must respect the principle of transparency and the priorities of the States concerned. It should not be based on one-size-fits all solutions or models that seek to impose themselves as universal, even though they are not.
- International cooperation should adhere to international law and the terms and principles of the Charter of the United Nations, including sovereignty, territorial integrity and non-intervention in the internal affairs of States.
- To enhance this cooperation, effective representation and geographical rotation of the special procedures mandate holders of the Council and the experts of the treaty bodies must also be promoted. Also necessary are a fair balance in the composition of the staff of the Office of the United Nations High Commissioner for Human Rights, and the provision of resources for activities to promote human rights, in particular those relating to technical cooperation, human rights education and education in general, without preconditions and preconceived purposes determined by the interests of donors.
- An essential component of the effort to promote effective cooperation in the field of human rights is the adoption of measures aimed at preventing special procedures and other mechanisms of the human rights machinery from being manipulated by individuals, institutions or States for purposes other than defending human rights, using human rights as part of a political agenda. Accordingly, appropriate account should be taken of Article 9 of resolution 5/2 of the Human Rights Council regarding the sources of information to be used by Special Procedures Mandate-holders of the Human Rights Council. The sources must be credible, verified to the maximum extent possible, duly in line with human rights principles, and free of political motives incompatible with the provisions of the Charter of the United Nations.
- The unilateral measures imposed against certain countries as an instrument of political or economic coercion represent a major obstacle to the promotion of international cooperation in the field of human rights. They have a negative impact on the full enjoyment of all human rights, in addition to undermining the sovereignty, independence and right to self-determination of peoples. Based on

the above positions, Cuba has maintained a high level of cooperation and interaction with the procedures and mechanisms of the United Nations machinery in the field of human rights, which are universal and non-discriminatory. In that regard, it wishes to note the following:

- Cuba has consolidated positive dialogue with the treaty bodies created under international human rights treaties. It has also focused its fullest efforts on honouring its reporting obligations to the treaty bodies.

- Between 2010 and 2015, Cuba submitted seven national reports: the second periodic report to the Committee on the Rights of the Child (2011), the combined fourteenth to eighteenth periodic reports to the Committee on the Elimination of Racial Discrimination (2011), the combined second, third and fourth periodic reports to the Committee against Torture (2012), the combined seventh and eight periodic reports pursuant to the Convention on the Elimination of All Forms of Discrimination against Women (2010), the initial report regarding optional protocols I and II to the Convention on the Rights of the Child on children in armed conflict and on the sale of children, child prostitution and child pornography (2011 and 2014 respectively), the initial report to the Committee on the Rights of Persons with Disabilities and the initial report to the Committee on Enforced Disappearances.

- The Government of Cuba has also systematically provided all requested information for the special procedures of the Human Rights Council. Cuba has been sending information on an ongoing basis and has answered the majority of questions submitted by mandate holders during the reporting period within the established time frame.

- The Cuban Government fully intends to continue sending invitations to visit to mandate-holders appointed in a non-discriminatory manner by the Human Rights Council. It is in this spirit that an invitation was sent to the Special Rapporteur on trafficking in persons, especially women and children, to visit the country. Cuba also sent an invitation to the President of the International Committee of the Red Cross.

- Cuba has reported in two universal periodic review cycles, the first in 2009 and the second in 2013. Both reports have had positive results for Cuba, as they provided a clear demonstration of its achievements in human rights during this period.

- In expression of the unequivocal will of Cuba to engage in dialogue on all issues and with all States, on a basis of mutual respect, sovereign equality, self-determination and the recognition of the right of all peoples to choose their own political, economic and social system, the country has conducted bilateral dialogue on human rights with a number of countries and groups of countries. Some of these bilateral talks are held at established regular intervals.

In addition to cooperating with the human rights machinery, Cuba maintains strong cooperation links with many countries in the region and worldwide. Projects have been carried out for the promotion and protection of economic and social rights, focusing particularly on health and education. Cuba provides technical assistance in a number of fields. This assistance has benefited the most disadvantaged groups in many Third World countries, targeting indigenous peoples,

women and disabled persons in particular. Taking health projects alone, the following are noteworthy:

- "Operación Milagro" ("Operation Miracle"), under which 3.4 million free eye operations have been provided in 34 countries. Nine million people have also graduated from the "Yo sí puedo" (Yes I can) literacy programme and 1,113,000 people from the "Yo sí puedo seguir" (I can continue) post-literacy programme.
- There are currently more than 51,000 Cuban health workers volunteering in 67 countries worldwide.
- Cuba has also worked with the World Health Organization and other countries in the fight against Ebola in West Africa. More than 250 health workers from the Henry Reeve Brigade have volunteered in the most affected regions and some 4,000 other Cuban health workers are volunteering in the Ebola prevention programme in 32 African countries.

Democratic People's Republic of Korea

It is the consistent position of the Government of the Democratic People's Republic of Korea to deal with human rights issues on the principles of non-selectivity, impartiality and objectivity.

Notwithstanding these clearly defined principles, selectivity and double standards have been persisting in the United Nations and on the international human rights arena by the United States of America and other Western countries which openly infringe upon the dignity and sovereignty of developing countries on the absurd ground that they are not obedient to Western values.

The typical example is the "human rights resolutions" against the Democratic People's Republic of Korea forcibly adopted at previous sessions of the United Nations Human Rights Council and the sixty-ninth session of the United Nations General Assembly based on the "Report of the Commission of Inquiry on the Human Rights Situation of the Democratic People's Republic of Korea" full of deceit, fabrications and plots.

While paying no attention to improving its own miserable human rights situation cursed and condemned by the people the world over, the big country in question has been making frantic efforts to vilify and slander the human rights of a sovereign State with mobilization of its followers, escaped criminals and other human scum alike and to even take the issue to the United Nations Security Council in an attempt to secure a pretext for interference in internal affairs and aggression to overthrow the system. It constitutes the most serious violation of human rights.

At present the United Nations is degraded into a theatre of "human rights" rackets against developing countries and a place for political confrontation, with the result that the expectation and trust of the international community for an impartial role of the United Nations are fading away.

The prevailing situation requires that States Members of the United Nations remain ever more faithful to the principles of non-selectivity, impartiality, objectivity and mutual respect and international cooperation while thoroughly guarding against and opposing the politicization, double standards and confrontation.

As an imminent task, the United Nations and the United Nations Human Rights Council should revoke without delay the "human rights resolutions" against the Democratic People's Republic of Korea forcibly adopted under political conspiracy, fraud and pressure at the sixty-ninth session of the General Assembly and the previous sessions of United Nations Human Rights Council and pay new attention to the unjustifiable behaviour of the sponsors of those resolutions including Japan. They should also focus on addressing internationally accepted general issues of human rights and taking comprehensive measures, rather than taking issue with human rights situations of the specifically selected individual countries.

The Democratic People's Republic of Korea will actively contribute to strengthening the role of the United Nations in the field of human rights by adhering to the principles of non-selectivity, impartiality and objectivity and through international cooperation and thoroughly protect the human rights of its people from the infringement by the hostile forces by firmly safeguarding its national sovereignty.

Italy

With regard to the request by the General Assembly concerning the implementation of its resolution 68/176, Italian Authorities are in a position to provide the following information on the development cooperation system of Italy.

In the programme guidelines and orientations concerning Italy's development cooperation in the three-year period from 2014-2016, several references confirm that the system pays special attention to the human rights issue. These references have also been restated in the programme document for the three-year period from 2015-2017, mentioning in particular the activities of all United Nations agencies and programmes working in this field in order to strengthen Italian support in the promotion and protection of human rights.

With regard to the role of Italy in redefining the future post-2015 development agenda, consistently adjusting its actions according to the changes in the international scenario, Italy supports the proposal of a single framework of reference in which to revise the Millennium Development Goals and define the sustainable development goals.

As generally voiced in the ongoing debate, this new framework will have to take account of the complementarity between the three dimensions (social, economic and environmental) of sustainable development and of the importance of several crucial aspects, such as the use and management of natural resources, overcoming inequalities, promoting job creation, peace, good governance and respect for human rights, as the best political groundwork for receiving cooperation interventions. Thanks to its global scope, the post-2015 development agenda will impose a review of the traditional approach to development cooperation, which can no longer be based on a clear distinction between donor countries and beneficiary countries, or on the centrality of a single player: the State. In this context, Italy intends to draw attention to some of the issues that particularly qualify its cooperation efforts, such as respect for human rights and gender equality, food security and nutrition, upgrading integrated rural development based on the role of small farmers-producers, and developing the private sector through local partnerships and networks of small and medium-sized enterprises.

On a more general note, Italy's international foreign policy is principally inspired by the pursuit of an equitable world in which all global public goods, and especially peace, justice, economic stability, the environment, knowledge and humanitarian aid, are guaranteed to all humankind.

Development cooperation, an integral part of Italian foreign policy, has joined international efforts to achieve the Millennium Development Goals by 2015, by concentrating available resources on those countries and sectors which are capable of best expressing their potential.

Its main strategic objectives are the following:

(a) Sustain democracy, uphold human rights and gender equality and contribute to eliminating all forms of discrimination, including those that limit the rights of disabled people and the exploitation of minors;

(b) Reduce poverty by creating decent new job opportunities and removing social and economic inequalities that, also in the countries with positive growth trends, are becoming worryingly manifest, giving rise to factors of social instability and exclusion;

(c) Support partner countries' development policies also through policies aimed at promoting the private sector and entrepreneurship, especially of women, and access to international markets and trade;

(d) Improve food security and develop agriculture;

(e) Contribute to global health by intensifying the struggle against inequalities in individuals' right to health (in poorer countries, rural areas and urban suburbs, among minorities and vulnerable groups);

(f) Contribute to basic universal education;

(g) Highlight the need for solidarity and the international role of Italian volunteer workers;

(h) Prevent and mitigate the effects of climate change;

(i) Contribute to preventing conflicts by supporting peacekeeping, reconciliation and post-conflict stabilization processes, and the consolidation and reinforcement of democratic institutions also and mainly through effective coordination with other European Union member States and institutions;

(j) Guarantee humanitarian aid.

In the 2014-2016 programme guidelines and orientations, chapter 3.1 is properly devoted to the human rights' issue (Promoting human rights, gender equality, participatory democracy, improving governance and supporting civil society).

Focus on the quality of the political and democratic context, and respect for human rights in general and of women in particular, will constitute the first priority in Italy's future cooperation activities. These themes will be incorporated into the STREAM programme goals and achieved both through targeted initiatives and through the activities across all financed initiatives.

Support will be given to local institutions and to the organizations promoting and protecting civil, political, economic, social and cultural rights, as defined in the international conventions to which Italy has adhered.

Fostering the enhancement of democratic ownership means promoting forms of direct support to local institutions, social or stakeholder networks, trade unions and local civil society organizations, which voice the needs of different social players in developing countries. It does not merely imply supporting the requests of claimants with their Governments but promoting and improving the interaction between the State, intermediate bodies and the citizens, and promoting respect for human rights and principles of transparency. To this end, Italian cooperation will be inspired by, inter alia, the Agenda for Change, which closely interlinks development, respect for human rights, democracy and good governance.

Building up local capabilities should not be conceived as a mere transfer of knowledge; it should be achieved by supporting internal change within the institutions and among the actors of partner countries, with the aim of enabling them to acquire the awareness and means to locally manage the course of their development.

In the priority countries that the international community considers to be eligible for budget support, this instrument will continue to be used in order to improve the quality of aid and achieve the goal of reducing poverty and of sustainable development, in compliance with the international principle of fostering the ownership of partner countries.

Action Plan on Disability

Disabilities are particularly relevant in developing countries and are a condition often associated with poverty, exclusion and discrimination, entailing heavy social, economic and cultural repercussions.

In line with the terms of the United Nations Convention on the Rights of Persons with Disabilities, adopted in 2006 by the General Assembly, in 2010 Italian Cooperation approved the Guidelines on Disability and in June 2013 adopted the Italian Cooperation's Action Plan on Disability in order to implement them.

The Action Plan is outlined in the two-year action programme promoting the rights and integration of disabled persons, developed by the members of the National Observatory on the Condition of Persons with Disabilities, and implemented by the Presidential Decree of 4 October 2013. The Plan sets forth the principle of including disabilities in every phase of development policymaking and practices and takes into consideration all actions aimed at promoting equal opportunities for disabled persons. The Plan began to be implemented in December 2013 with a number of first information and awareness-raising actions.

At the beginning of 2014, the first technical working groups were established for each one of the following sectors:

(a) Accessibility and usability of locations, goods and services;

(b) Managing humanitarian aid and emergency situations so as to include disabled persons;

(c) Inclusive education;

(d) Data collection and analysis on initiatives financed during the last five years;

(e) Drafting a document reviewing the Organization for Economic Cooperation and Development Development Assistance Committee (OECD/DAC) categories, in order to increasingly include disabilities.

The working groups will continue to work in support of the implementation of the actions set forth in the Plan to guarantee the mainstreaming of disability-related issues, with the aim of making a significant contribution to the social inclusion of disabled persons and of assuring a progressive and innovative long-term strategy in line with international standards.

Action by the Development Cooperation Steering Committee on gender-linked issues

The Development Cooperation Steering Committee, by leveraging several international instruments, has long focused its attention on gender-linked issues and the empowerment of women. More specifically, the goal of equal treatment for women and men and upholding women's rights have been sanctioned for decades in international conventions like the Convention on the Elimination of All Forms of Discrimination against Women of 1979 and the Platform for Action that followed the Fourth World Conference on Women, held in Beijing in 1995. Furthermore, these issues are also enshrined in the Millennium Development Goals and, even more so, in the United Nations post-2015 development agenda, as well as in the intergovernmental debate within the Open Working Group on Sustainable Development Goals, which resulted from the 2012 Conference on Sustainable Development, held in Rio de Janeiro, Brazil, 20 years after the Earth Summit.

Gender-related issues represent the shared values and founding principles for action also for the European Union, which pursues a twin-track approach on gender equality in development cooperation, providing for the adoption of measures specifically targeted on tackling gender inequalities while, at the same time, mainstreaming gender-linked issues into all aspects of development policymaking. In 2010, the European Union had already adopted its Action Plan on Gender Equality and Women's Empowerment in Development 2010-2015.

Italy's development cooperation actions on gender-linked issues have made significant progress in the last few years, the most relevant of which are the following:

1. The adoption of the Guidelines for Gender Equality and the Empowerment of Women (approved by the Development Cooperation Steering Committee in November 2010);

2. The introduction in December 2012 of the new effectiveness marker, to be applied to all Development Cooperation Steering Committee initiatives. The marker considers gender-linked issues to be the most cross-cutting in all Italian Cooperation's initiatives and programmes, alongside the reduction of poverty and the environment;

3. The collaboration between the Development Cooperation Steering Committee and the Overseas Agronomic Institute that, since 2012, has been promoting research studies mainstreaming gender-linked issues into initiatives for rural development (food security, climate change, green growth) and whose results were presented at an international Event-Seminar (October 2012) attended by all the parties concerned, the partner countries and the Rome-based United Nations

agriculture and nutrition agencies (the Food and Agriculture Organization of the United Nations, the International Fund for Agricultural Development and the World Food Programme);

4. The publication, in November 2013, of the European Commission's Third Report on the outcome of the European Union Plan of Action on Gender Equality and Women's Empowerment in Development, which highlights that Italy, in the face of a well-known general reduction in bilateral aid, actually increased its support to Gender Equality and Women's Empowerment issues which, out of all Italian official development aid allocated in the period surveyed, recorded a 39 per cent rise.

This is the acknowledgement of a systematic action that ranks Italy as lead donor in gender-linked issues in several priority countries (particularly in Palestine and Senegal, but also in other particularly sensitive areas like Afghanistan, thanks to the creation of a unit to combat the abuse of women and the financing of non-governmental organizations with the aim of raising rural populations' awareness of the rights of women). Now is the time to capitalize on these results. Within Italy's long-dated efforts to enhance the effectiveness or its cooperation activities, the Development Cooperation Steering Committee therefore intends to pass a Comprehensive Action Plan, whose founding elements are now being drafted, and which might have an even greater impact on improving Italian initiatives on gender inequalities and on the empowerment of women.

More specifically, the goals of the Action Plan will include:

- Joint multi-stakeholder development and implementation of an "Italian position" on gender equality and the empowerment of women, in view of the international debate aimed at defining the post-2015 development agenda;
- Developing a Plan for the Empowerment of Women in view of the Expo Milano 2015, principally focused on the crucial role played by women in the field of food security and nutrition. The participation of Italian Cooperation in Expo Milano 2015 already envisages a chapter devoted to women's empowerment, which is planned to play a key role therein;
- Improving the effectiveness of the "Italian cooperation aid system", by ensuring that gender equality is a universal and cross-cutting role throughout Italian cooperation actions (by adopting the aforesaid twin-track approach to gender equality).

This action should aim at achieving the following expected results:

1. The production of "readable" case studies according to European Union and OECD/DAC criteria (in English and in Italian) on successful cooperation programmes;

2. A workplan for international meetings especially focused on preparing for Expo 2015, by drafting materials (toolkits, criteria and indicators tested on at least three Development Cooperation Steering Committee development programmes) to be used also for Italy's participation in the Group of 8 New Alliance for Food Security and Nutrition;

3. The creation of a network of gender advisers and gender focal points to operate in the Local Technical Units, with the aim of providing online technical assistance in this area.

Qatar

[Original: Arabic]

Strengthening international cooperation in line with the principles of non-selectivity, impartiality and objectivity

One of the most outstanding areas of international cooperation is that of human rights. International human rights cooperation seeks to protect humanity itself, wherever there are people, without distinction of any sort. It is a pre-eminent means for countries to express their desire and determination to guarantee that the rights of their nationals and those subject to their jurisdiction are respected and protected. It demonstrates that States recognize those rights and freedoms with respect to the citizens and nationals of other countries. In so doing, it creates a global climate in which the values of peace, freedom, security and equality prevail and humanity advances towards growth and prosperity.

International relations and, in particular, human rights, have developed considerably since the Charter of the United Nations was signed. One of the main purposes of the United Nations, as affirmed in Article 1 of the Charter, is to achieve international cooperation and promote respect for human rights for all without distinction. However, although the majority of States wish to respect the purposes set forth in the Charter and have ratified and become parties to numerous human rights instruments, it does not follow that international cooperation is invariably based on neutrality, objectivity and non-selectivity. Many international relationships are based on principles that depart from sovereignty and equality, or on the balance of powers and political and economic interests.

The current international situation shows that the issue of human rights is in some cases used for political ends that are far removed from the noble purposes and principles that underpin human rights. Political and economic interests are sometimes achieved either by using the issue of human rights as a pretext or by ignoring human rights violations. Such policies undermine the fundamental principles of human rights, the cornerstone of which is the absolute equality of all humanity. United Nations human rights bodies have expressed dismay and concern at that approach. In numerous resolutions, they have underscored need to take an objective and non-selective approach to human rights, and to eschew double standards and politicization.

I. The United Nations level

Since the Charter of the United Nations was signed, the Organization has symbolized the values of peace, tolerance and the coexistence of peoples and respect for human rights for all without distinction of any sort. It has been the finest expression of humanity's aspiration for cooperation aimed at protecting human rights. The Charter was deeply influenced by the circumstances in which it was signed. The current instability of the international system makes it essential to consider revisiting certain provisions of the Charter in the light of global developments; the political, economic, social and cultural impact and challenges of globalization; and, in particular, the threat posed at the international level by terrorism, whose impact is sometimes as powerful as that of conventional warfare.

In view of the foregoing, we wish to set out and justify the following ideas for the restructuring of the United Nations:

1. In the light of the Charter of the United Nations, Article 109, paragraphs 1 and 2, the provisions of the Charter should be reconsidered with a view to granting the General Assembly greater powers to maintain international peace and security. Such powers should be balanced with those of the Security Council, and controls should be put in place to ensure effective coordination and cooperation and avoid any conflict of competences. The Charter currently grants the Security Council and, in particular, its five permanent members, the authority to veto and suppress any resolution on international peace and security. The National Human Rights Committee believes that such authority is incompatible with what ought to be the structural principle of the United Nations, namely to act as a global forum for democratic values. That proposal may meet with resistance from the five permanent members of the Security Council. However, it can be achieved if all States Members strengthen their dialogue and mutual understanding with the five permanent members, stressing that the international community, including the permanent members, stands to gain.

2. The National Human Rights Committee believes that expanding the membership of the Security Council would make that body more democratic and have a positive effect on the United Nations and the contemporary international system as a whole.

3. The right of the five permanent members to use their veto must be reconsidered, particularly in respect of resolutions concerning human rights issues. Such issues do not involve one or two countries alone; they affect the interests of the entire international community. If any country violates human rights, and the Security Council cannot adopting a resolution in that regard owing to selectivity or lack of objectivity, the interests of numerous other countries could be affected. Policies that are selective or lack objectivity can also spur hostility and revenge, hence encouraging terrorism, which poses a threat to the international community as a whole.

II. International relations

We believe that international cooperation based on objectivity, impartiality and non-selectivity can be promoted in the following ways:

1. States whose human rights policies are selective and lack objectivity and impartiality should be excluded from economic and cooperative relationships in various areas.

2. Various types of economic and cooperative partnership should be developed with States that address human rights issues impartially and objectively.

3. National human rights agencies should coordinate and exchange information on all human rights issues.

4. The international community should cooperate to secure the financial resources needed for United Nations human rights programmes and activities.

III. Human rights treaty bodies and other institutional mechanisms

1. Human rights treaty bodies and other institutional mechanisms should be strengthened, and effective human rights cooperation and partnership with

non-governmental organizations should be supported and promoted, particularly as regards the exchange of information.

2. Effective coordination among all United Nations bodies should be improved and developed in order to strengthen and protect human rights.

3. All United Nations agencies and staff members should be given all necessary protection against the use of the veto by the five permanent members of the Security Council.

4. International investigators should be given further safeguards in order to ensure their neutrality, impartiality and objectivity and guarantee their security while undertaking their duties, which are sensitive and affect the interests of peoples and States.

5. The necessary mechanisms should be put in place in order to hold accountable international investigators and committees that are conclusively proved to have fulfilled their duties without due impartiality and objectivity.

III. Replies from intergovernmental organizations

Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe

Introduction

In numerous documents of the Commission on Security and Cooperation in Europe and the Organization for Security and Cooperation in Europe (OSCS), the participating States have highlighted the importance of practical cooperation among OSCE participating States in the human dimension and have agreed that promoting progress in the human dimension remains a key function of the OSCE. In Helsinki 1992, the participating States reaffirmed their commitments to the Charter of the United Nations and pledged "to improve contact and practical cooperation with appropriate international organizations", and "to expand its relations with all organizations and institutions that are concerned with the promotion of comprehensive security within the OSCE area" (Maastricht 2003).

In Istanbul (1999), the OSCE participating States committed themselves to joint measures based on cooperation, both in the OSCE and "through those organizations of which we are members, in order to offer assistance to participating States to enhance their compliance with OSCE principles and commitments. We will strengthen existing cooperative instruments and develop new ones in order to respond efficiently to requests for assistance from participating States". The participating States highlighted in Maastricht 2003 that their cooperation with other organizations and institutions currently encompasses political dialogue, coordination and structured cooperation on "thematic or regional issues across the OSCE region".

Current practice

In accordance with its mandate, the Office for Democratic Institutions and Human Rights (ODIHR) cooperates in the human dimension with a wide range of international and regional organizations based on formally established and informal cooperation mechanisms. Although OSCE participating States are primarily responsible for implementing fundamental human rights and democratic principles at

the national level on the basis of OSCE human dimension commitments, international and regional organizations with human rights and democratization mandates play complementary roles in promoting, protecting and enhancing the universality of human rights and democratic governance principles, together with civil society organizations.

To assist OSCE participating States in the implementation of their human dimension commitments, ODIHR has entered into formal cooperation mechanisms on the basis of memorandums of understanding or cooperation agreements[1] with international and regional organizations. These formal cooperation mechanisms regulate joint programming and project implementation, technical advice to Governments, exchanges of good practices, the setting up of institutional links and liaison officers to further information exchange, joint exchanges between the organizations in meetings and participation in conferences, as well as joint communication and press releases, among others.

Other informal cooperation mechanisms between OSCE and international and regional organizations also exist, such as regular consultations and staff meetings between the OSCE Field Operations and OSCE Institutions including ODIHR and the United Nations. These working-level meetings focus inter alia on coordinating programming and policymaking, strengthening existing links and identifying new approaches for cooperation between regional and international human rights mechanisms. In addition, the OSCE and international and regional organizations cooperate in the form of information exchange with regard to United Nations treaty body reporting, judicial mechanisms and other human rights-related instruments.

In providing assistance, ODIHR cooperates with a number of regional and international organizations in the implementation of joint activities and projects to ensure coherence in the provision of assistance to OSCE participating States, and avoid duplication. Examples of such cooperation include the hosting of the Declaration of Principles meeting in the field of elections, which gathers key counterparts in the field of elections such as UNDP. The ODIHR regularly facilitates a criminal justice forum in Central Asia, bringing together OSCE Field Operations and United Nations entities such as United Nations Office on Drugs and Crime, UNDP, the Council of Europe and the European Union.

ODIHR collects and exchanges information and data during the conduct of fact-finding, observation and assessment missions. These activities result in specific recommendations for OSCE participating States to enhance implementation of human dimension commitments in assessments and reports.

ODIHR also contributes information and expertise to established regular reporting mechanisms and procedures of their international and regional counterparts, particularly in the fields of human rights and the rule of law. Examples are the ODIHR contributions to the Universal Periodic Review process or the support provided to OSCE participating States in relation to United Nations treaty body reporting. ODIHR also provides expertise and input to United Nations studies.

Cooperation between ODIHR and international and regional organizations takes many forms, and as such best practices exist where coordination and cooperation is effective, leading to the identification of human dimension implementation gaps and

[1] The OSCE has signed memorandums of understanding and cooperation agreements with UNHCR, OHCHR, UNDP and the Council of Europe.

the setting of international standards for the benefit of OSCE participating States and civil society in the OSCE region. The ODIHR cooperates closely in the fields of democratization, elections, human rights, tolerance and non-discrimination, and Roma and Sinti issues with United Nations agencies.

In the field of war crimes justice, ODIHR has cooperated with the United Nations International Criminal Tribunal for the former Yugoslavia and OSCE Field Operations in South Eastern Europe focused on capacity-building of national actors in the handling of war crimes cases.

With regard to tolerance and non-discrimination ODIHR assists OSCE participating States and civil society in their efforts to prevent and respond to hate-motivated crimes and to promote mutual respect and understanding. ODIHR has developed a range of assistance programmes including legislative assistance, capacity-building of law enforcement, data collection, dialogue and cooperation between government and civil society, education and awareness raising. Through its interactive website hatecrime.osce.org, ODIHR disseminates data and initiatives on hate crimes. In this regard, ODIHR coordinates and works closely with other international organizations (Office of the High Commissioner for Human Rights, Committee on the Elimination of Racial Discrimination, Council of Europe, European Commission on Racism and Intolerance, UNESCO, UNHCR) in the compilation of information for the its hate-crime reporting website. This data is prominently featured on the website. In the area of promotion of mutual respect and understanding, ODIHR has worked closely with UNESCO on the development of Guidelines for Educators on Countering Intolerance against Muslims.

ODIHR enjoys excellent cooperation with United Nations entities of the Secretariat (Electoral Assistance Division, Department of Political Affairs, Department of Peacekeeping Operations, UNDP, UN-Women) in its elections-related activities. This includes in-country meetings with United Nations bodies during needs assessment missions, election observation, and follow-up activities; and coordination of organizational approaches and activities through the framework of the Declaration of Principles Group for International Election Observation, endorsed under United Nations auspices in 2005.

In its human rights-monitoring activities, OSCE/ODIHR places particular emphasis on the need to base its findings on first-hand information collected in adherence with the principles of transparency, accuracy and impartiality. ODIHR has been engaged in monitoring public assemblies across the OSCE since 2011. In its choice of participating States and events to be monitored, ODIHR attempted to ensure geographical balance and the coverage of a variety of different contexts across the OSCE area, thus adhering to the principle of non-selectivity. To preserve the integrity of the sample, only events selected by ODIHR on the basis of set criteria are observed. The monitoring findings, as published by ODIHR, have been included in ODIHR Universal Periodic Review submissions, thus contributing to the Universal Periodic Review process by providing information based on the principles of non-selectivity, impartiality and objectivity, which are at the core of ODIHR assembly monitoring work.

The ODIHR Contact Point for Roma and Sinti issues is mandated to assist OSCE participating States to implement the commitments relating to Roma and Sinti, such as the 2003 OSCE Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area and subsequent Ministerial Council decisions in 2008,

2009 and 2013. The Action Plan targets education, social, economic issues, Roma and Sinti participation and their situation in crises and post-crises situations by employing an underlining principle of combating discrimination. The ODIHR Contact Point for Roma and Sinti issues published status reports in 2008 and 2013 and specific reports on the situation of Roma and Sinti on field assessment visits to Romania (2007), Italy (2008) Hungary (2009), Ukraine[2] and Slovakia (2014). These independent assessments feed into the Universal Periodic Review process while in its overall work ODIHR's Roma and Sinti programme closely collaborates and coordinates with the respective United Nations agencies, particularly with UNHCR in addressing issues relating to civil registration of Roma and the situation of Roma in crises situations or with UNDP and OHCHR to create synergies with regard to addressing the human rights situation of Roma vis-à-vis national authorities.

Recommendations

Greater awareness is needed and further steps should be taken to strengthen cooperation between the OSCE and the United Nations, in particular related to gaps in the content of OSCE commitments as compared to standards set by the United Nations, particularly in the areas of freedom of expression and media and Internet freedoms. Although there are no contradictions as such between the human dimension commitments and human rights standards as set forth in the United Nations, differences in scope and existing gaps should not lead to major discrepancies. Strengthened cooperation thus contributes to the enforcement of existing international standards, the development of common interpretations and a common reflection on soft law standards.

- ODIHR and the United Nations should continue to formalize and institutionalize the modalities for their cooperation in order to strengthen action-oriented cooperation in an innovative and dynamic manner by building on established memoranda of understanding or other formal arrangements, and by enhancing informal cooperation mechanisms; in particular, the OHCHR and ODIHR should build on the Joint Declaration signed in 2014;
- ODIHR should systematically share, reference and build on jurisprudence and standards elaborated by the United Nations, and vice-versa. The United Nations should take stock of OSCE commitments and their presence in the field, where the majority of OSCE officials operate (2,000 out of 2,800 OSCE staff are deployed in field operations);
- ODIHR and the United Nations should be aware of and promote their specific comparative advantages when engaging with other organizations;
- ODIHR and the United Nations should mainstream the culture of cooperation and solidarity within their structures. Furthermore, informal contacts and cooperation should be ensured despite staff turnover or a lack of funding in some areas of assistance;
- ODIHR and the United Nations should be more strategic in their cooperation, and should work together not on short-term interventions, but also in terms of medium- and long-term planning and the implementation of interventions, in particular programmes and projects;

[2] Situation assessment report on Roma in Ukraine and the impact of the current crisis (http://www.osce.org/odihr/124494).

- ODIHR should enhance partnerships and increase its alignment at the country level when undertaking actions to effectively respond to recommendations by United Nations human rights monitoring mechanisms;
- ODIHR could jointly develop with partner organizations tools providing guidance to OSCE participating States, and should systematically cross-reference their respective standards and tools;
- ODIHR should continue to provide and systematize their involvement in the United Nations Universal PR process and the examination of country reports by United Nations human rights treaty monitoring bodies;
- ODIHR could organize expert meetings on data collection, particularly in the area of gender, anti-corruption and good governance, together with other international organizations, in particular the United Nations;
- ODIHR should make more use of data collected by other international organizations, or should feed data into their existing data collection mechanisms, including the Universal Periodic Review and the treaty bodies;
- ODIHR and OHCHR should set up a joint ad hoc working group to take stock of the current forms of cooperation and to discuss concrete measures to implement the recommendations from the Human Dimension Seminar on Improving OSCE effectiveness by enhancing its cooperation with relevant regional and international organizations, held in Warsaw from 12 to 14 May 2014.

IV. Replies from non-governmental organizations

Public Defender of Georgia

The Public Defender (Ombudsman) of Georgia several recommendations to Georgian authorities for effective implementation of universally accepted human rights standards. These recommendations are reflected in the Annual Parliamentary Report of the Ombudsman of Georgia for 2014.

The recommendations refer to the following:

1. To initiate procedures for ratification of the International Convention for the Protection of All Persons from Enforced Disappearance 2006;

2. To consider the recommendation of the Committee on the Elimination of Discrimination against Women for establishing temporary special measures — quota system;

3. To consider the recommendation of the Committee on the Elimination of Discrimination against Women and introduce relevant amendments to the Civil Code of Georgia for the mandatory judicial permit for the marriage between the ages to 16 and 18;

4. To launch procedures for signature and ratification of the International Labour Organization Maternity Protection Convention No. 183 and to ensure participation of all interested stakeholders in this process;

5. To ratify the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities;

6. To direct State Policy and Strategy towards persons with disabilities, including women, in order to implement article 6 of the United Nations Convention on the Rights of Persons with Disabilities;

7. To revise legislation, draft laws, policy and programmes in order to reflect principles provided by the Madrid International Plan of Action on Ageing and the Regional Implementation Strategy;

8. To implement the Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters and to set detailed procedures in the legislation of Georgia for realization of rights mentioned therein.

- The Public Defender of Georgia would like to express his readiness to actively cooperate with the United Nations relevant bodies for fulfilment of these recommendations by Georgia.